

PART 5336--CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

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SUBPART 5336.2--SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

5336.202 Specifications. AF Form 66, Schedule of Material Submittals, may be used by the contracting officer, civil engineer, and contractor to help material submittal requirements. The form is initially prepared by the civil engineer and submitted to the contracting officer with the purchase request. The contracting officer may include the form in the solicitation as an attachment. Upon award, the contracting officer, or designee, may provide copies to the contractor and the civil engineer at the pre-performance conference. AF Form 66 may also be used to track the submission of periodic usage data for estimated quantity line items when the contract contains estimated quantity line items.

5336.270 Expediting construction contracts. Requests to use expediting action shall be submitted through command channels to SAF/AQCO with information copy to HQ USAF/CE with detailed justification as to why such action is required.

5336.271 Cost-plus-fixed-fee contracts. Requests for use of a cost-plus-fixed fee (CPFF) type contract estimated to exceed \$25,000 shall be submitted through command channels to SAF/AQCO with an information copy to HQ USAF/CE. The request shall include a complete justification for using a CPFF type contract.

5336.290 Material Approval Submittal Form (AF Form 3000).

(a) Within 10 days after commencement of work or as otherwise established by the contracting officer, all materials and articles requiring approval, as contemplated by the Materials and Workmanship clause, shall be submitted by the contractor, by means of AF Form 3000. The contracting officer shall establish a suspense date on action to be taken on submittals and retain the fourth copy for necessary follow-up action.

(b) Insofar as practical and before commencement of work, the contracting officer shall inform the contractor of the materials or articles requiring approval.

5336.291 Contract progress schedules and reports for construction contracts (OMB Approval Number 21-R0129).

(a) AF Form 3064, Contract Progress Schedule, shall be used to satisfy the requirements of the Schedules for

Construction Contracts clause (FAR 52.236-15). Use of the form is optional in connection with requirements type contracts except that it shall be used to support each delivery order which establishes a continuous performance period of 60 days or more. Additional copies of the form may be used to provide for a performance period in excess of the time frame available on the form. Upon submission of the initial AF Form 3064, the contracting officer and civil engineer shall carefully evaluate the percentage of the total job assigned to each work element. Particular attention shall be devoted to those elements to be performed in the early stages of the effort to preclude overstatement that would result in an imbalance in payments and exceed the value of work performed. Work elements shall be limited to those tasks which will indicate the progress of the work and which may be readily identified and measured by personnel monitoring the contractor's progress. Normally the percentage factors of each work element should be related to the total value of the contract. This may vary, however, depending on the percentage factor the contracting officer chooses to assign for materials stored on-site. Consideration for materials stored on-site should be limited to major high-cost items. It is not the policy of the Air Force to pay the contractor for miscellaneous low dollar value items prior to installation. Payment of materials stored off-site is generally discouraged, and is prohibited unless sound procedures are established for their accountability and control. Payments for materials in advance of installation will be substantiated with paid invoices.

(b) AF Form 3065, Contract Progress Report, shall be used to satisfy the requirement of periodic progress reporting by one of the following methods, at the discretion of the contracting officer:

(1) Separate reports covering the same period will be prepared by the contractors and by the civil engineers or their designees.

(2) The contractor shall prepare the report and route it through civil engineering. The civil engineers or their designees shall review the report and make necessary comments and forward it to the base contracting office for action.

Appropriate action shall be taken to resolve any significant variances of five percent or more in the percent of progress reported by the contractor and the civil engineer.

(c) Appropriate revisions shall be made to the existing AF Form 3064, or a revised form obtained, whenever a contract modification causes a change in the original progress schedule. A revised AF Form 3064 shall be obtained when-

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ever the performance period is extended for 60 days or more. Upon completion of the contract, the actual completion date shall be entered on the AF Form 3064 and the form, together with all supporting copies of AF Form 3065, shall be filed in the contract folder as permanent records.

(d) Work elements entered in column B of the AF Form 3064 shall be limited to those tasks which will indicate the progress of the work under the contract, and which may be readily identified and measured by personnel monitoring the contractor's progress. Such elements as preparatory work, supervision, administration, mobilization, demobilization, and cleanup may be considered as appropriate entries when they represent actual progress upon which the contracting officer may make a decision regarding approval or disapproval of the contractor's payment estimates.

5336.292 Major construction and renovation projects.

(a) For major construction and renovation, give extra care and attention to all aspects of the project to ensure its satisfactory accomplishment. It is particularly important to closely monitor the performance of the contractor at the outset of the contract. Early identification and resolution of problems will minimize the impact and cost of corrections or changes. Base and command level civil engineering and contracting staffs shall periodically review management of these projects.

(b) In contracts with numerous work elements, close management of each element by the contractor is necessary to ensure timely performance. When the clause at FAR 52.246-12, "Inspection of Construction," is used for a family housing renovation project, a contractor-prepared network analysis system or a critical path method surveillance technique should be required and used to supplement or replace the AF Form 3064 and 3065.

5336.293 Simplified Acquisition of Base Engineering Requirements (SABER).

Air Force policy, procedures and guidelines for implementing SABER programs are in Appendix DD, Simplified Acquisition of Base Engineering Requirements Program (SABER).

SUBPART 5336.4--SPECIAL PROCEDURES FOR NEGOTIATION OF CONSTRUCTION CONTRACTS

5336.402 Price negotiation. When a cost estimate breakdown is required from the civil engineer and/or the prospective contractor for a negotiated construction contract or for any modification to a construction contract, AF Form 3052, Construction Cost Estimate Breakdown, shall be used.

SUBPART 5336.6--ARCHITECT-ENGINEER SERVICES

5336.602 Selection of firms for architect-engineer contracts.

5336.602-1 Selection criteria. (a) Selection boards shall develop a point system to evaluate potential contractors.

5336.602-5 Short selection processes for contracts not to exceed the small purchase limitation. Either short selection process described in FAR 36.602-5 may be used to select firms for contracts not expected to exceed the small purchase limitation.

5336.690 Contracting with 8(a) or disadvantaged architect-engineer businesses.

(a) When using Section 8(a) of the Small Business Act to acquire A-E services, the Small Business Administration (SBA) shall be requested to provide at least three qualified 8(a) A-E firms. If the SBA is unable to refer at least three qualified 8(a) firms, then the contracting officer shall ask the SBA to provide additional qualified A-E firms that are disadvantaged businesses. A minimum number of three firms shall be available for evaluation by the selection board. The additional disadvantaged business firms referred need not be 8(a) certified to be considered for evaluation. However, before any contract award pursuant to this section, the firm selected must receive 8(a) certification. Therefore, when requesting additional firms, it is incumbent upon the contracting officer to alert the SBA that firms identified for evaluation must be eligible and agreeable to conditions required for 8(a) certification. Likewise, it is incumbent upon the SBA to expedite 8(a) certification processing to assure a timely contract award.

(b) The selection board shall evaluate the firms in accordance with FAR 36.602-1. Upon completion of the evaluation and selection of firms, the contracting officer will notify the SBA of the firm selected for negotiation and, at the same time, shall ask for SBA's proposal. Negotiation of a fair market price and contract award will then be accomplished using Section 8(a) procedures.

(c) In the event three 8(a) or disadvantaged A-E firms cannot be provided by the SBA for evaluation, the contracting officer will document the contract file accordingly, and revert to usual acquisition procedures for A-E services. When reverting to the usual procedures, FAR and DFARS public announcement requirements apply (see FAR 5.2).

5336.691 Use of the indefinite delivery, indefinite quantity (IDIQ) contract-type for the acquisition of architect-engineering (A-E) services.

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(a) No individual order may exceed \$299,000 in fees. An exception to this limitation is the initial order used to start the contract. This order may exceed \$299,000 as long as properly indicated in the Commerce Business Daily (CBD) announcement.

(b) The fees under a particular IDIQ contract may not exceed \$750,000 for any year or option period.

(c) The selection procedures used to determine contract award of this type contract shall be those procedures for awards of contracts over \$25,000. This means announcement in the CBD and a selection process using two formally constituted boards are required.

(d) As projects having design fees of \$299,000 or less are identified, they are accomplished by issuance of a delivery/work order against the particular IDIQ contract.

(e) There is no prohibition against awarding consecutive contracts to the same firm.

(f) An IDIQ contract shall be awarded for a period not to exceed one year. An option for one year may be included.

(g) As this contract may cross fiscal years, funds for orders placed against the contract shall be obligated within the year appropriated.

(h) The announcement in the CBD shall clearly define the limitations of applicability as identified above.

(i) For environmental requirements when the services of registered architects or engineers are required in the performance of environmental projects involving prevention, compliance, and restoration, MAJCOM HCAs may set higher limits than those stated in (a), (b), and (d) above as follows;

(1) The limit for the total individual contract amount shall be determined jointly by the MAJCOM contracting and civil engineering for HCA approval, with no delivery order size restriction, but the total of the A-E award fees shall not exceed \$200 million on any contract including the basic and option periods.

(2) Notwithstanding (f) above, when IDIQ contracts are used for environmental projects, the term of the contract may not exceed five years, including the basic and option years.

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